

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631:4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: Fax: (714) 558-2035



Citation and Notification of Penalty

To:
VISTA PAINT CORPORATION

and its successors
2020 E ORANGETHORPE AVE
FULLERTON, CA 92831

Inspection Site:
2020 E ORANGETHORPE AVE
FULLERTON, CA 92831

Inspection Number: 315526707
Inspection Date(s): 11/15/2011 - 05/08/2012

Issuance Date: 05/10/2012
CSHO ID: Q1303
Optional Report #: 044-12
Reporting ID: 0950631

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (hereinafter Citation) is being issued in accordance with California Labor Code Section 6317 for violations that were found during the inspection/investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

YOU HAVE A RIGHT to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

Informal Conference - You may request an informal conference with the Manager of the District Office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board

2520 Venture Oaks Way, Suite 300

Sacramento, CA 95833

Telephone: (916) 274-5751

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

Important: You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, (916) 274-5751.

PENALTY PAYMENT OPTIONS

Penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

If you are paying electronically, please have the Penalty Remittance Form on hand when you are ready to make your payment. The company name, index code, reporting ID, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dos to access the secure payment processing site.

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations

Cashier, Accounting Office

P. O. Box 420603

San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

NOTIFICATION OF CORRECTIVE ACTION

For violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the District Office listed on the Citation by submitting the CAL/OSHA 160 and/or 161 with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for serious and general violations is reduced by 50% on the presumption that the employer will correct the violations by the abatement date. **If the CAL/OSHA 161 is not received in the District Office within 10 days following the abatement date, the abatement credit is revoked, causing the penalty to double.**

Note: Return the CAL/OSHA 160/161 to the District Office listed on the Citation and as shown below:

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035

EMPLOYEE RIGHTS

Employer Discrimination Unlawful - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

Employee Appeals - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a District Office of the Division.

Employees Participation in Informal Conference. Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

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Issuance Date: 05/10/2012
CSHO ID: Q1303
Optional Inspection Nbr: 044-12



Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 1 Item 1 Type of Violation: **Regulatory**

5203. Carcinogen Report of Use Requirements.

(c) Use that requires reporting.

(1) Regulated area. For all regulated carcinogens that specify a requirement for the employer to establish a regulated area, use of a regulated carcinogen within such a regulated area shall be reported.

When inspected on 11/15/11, a regulated carcinogen, Methylene Chloride, was found in use in employer's work process for cleaning Let Down Tanks at its facility. The employer failed to notify the Division of its use.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 1 Item 2 Type of Violation: **Regulatory**

5157. Permit-Required Confined Spaces.

(c) General requirements.

(2) If the workplace contains permit spaces, the employer shall inform exposed employees and other employees performing work in the area, by posting danger signs or by any other equally effective means, of the existence, location of and the danger posed by the permit spaces.

On and prior to 11/15/11 employer failed to post danger signs on the Let Down Tanks designated as permit required confined spaces.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 450.00

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Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 1 Item 3 Type of Violation: **General**

3203. Injury and illness Prevention Program.

(a) Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
 - (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
 - (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.
- EXCEPTION: Employers having fewer than 10 employees shall be permitted to communicate to and instruct employees orally in general safe work practices with specific instructions with respect to hazards unique to the employees' job assignments as compliance with subsection (a)(3).
- (4) Include procedures for identifying and evaluating work place hazards including scheduled periodic inspections to identify unsafe conditions and work practices. Inspections shall be made to identify and evaluate hazards.

(A) When the Program is first established;

EXCEPTION: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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- (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and
 - (C) Whenever the employer is made aware of a new or previously unrecognized hazard.
 - (5) Include a procedure to investigate occupational injury or occupational illness.
 - (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
 - (A) When observed or discovered; and,
 - (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.
 - (7) Provide training and instruction:
 - (A) When the program is first established;
- EXCEPTION: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.
- (B) To all new employees;
 - (C) To all employees given new job assignments for which training has not previously been received;
 - (D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
 - (E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,
 - (F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

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On and prior to 11/15/11, employer failed to implement and maintain its Injury and Illness Prevention Program, including but not limited to:

- 1. Vista Paint Corp. failed to identify and evaluate hazards when a new substance was introduced into the workplace. Reference 3203(a)(4).**
- 2. Vista Paint Corp. failed to take corrective actions to correct the hazard of using Methylene Chloride in the Let Down Tanks as a cleaner. Reference 3203(a)(6).**

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 840.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 2 Item 1 Type of Violation: **Serious**

CCR T8 5144. Respiratory Protection

(c) Respiratory protection program. This subsection requires the employer to develop and implement a written respiratory protection program with required worksite-specific procedures and elements for required respirator use. The program must be administered by a suitably trained program administrator. In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator. The Small Entity Compliance Guide contains criteria for the selection of a program administrator and a sample program that meets the requirements of this subsection. Copies of the Small Entity Compliance Guide will be available from the Occupational Safety and Health Administration's Office of Publications, Room N 3101, 200 Constitution Avenue, NW, Washington, DC, 20210 (202-219-4667).

(1) In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions, as applicable:

(A) Procedures for selecting respirators for use in the workplace;

(B) Medical evaluations of employees required to use respirators;

(C) Fit testing procedures for tight-fitting respirators;

(D) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;

(E) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators; (F) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;

(G) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;

(H) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

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Company Name: VISTA PAINT CORPORATION
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(I) Procedures for regularly evaluating the effectiveness of the program.

On and prior to 11/15/2011, Employer failed to implement its written Respiratory Protection Plan, SOP 7.8, in that it provided and required use of 3M model 7513 half face air purifying respirators by employees in the paint making area without performing Fit Testing, Medical Evaluations, giving instructions in the proper use and cleaning of the respirator, or conducting regular evaluation of the effectiveness of the program..

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 3 Item 1 Type of Violation: **Serious**

5157. Permit Required Confined Spaces

- (d) Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:
 - (3) Develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to, the following:
 - (A) Specifying acceptable entry conditions;
 - (B) Isolating the permit space;
 - (C) Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards;
 - (D) Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and
 - (E) Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.

On and prior to November 15, 2011, the employer failed to implement the means, procedures and practices necessary for safe permit space entry operations, including, but not limited to purging, flushing or ventilating the permit space to eliminate or control atmospheric hazards; and verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry. This failure on November 15, 2011 resulted in the death of one employee and the serious injury of another employee who entered a confined space where Methylene Chloride was being used.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 25000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 4 Item 1 Type of Violation: **Serious**

5157. Confined Space Entry

(d) Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

- (4) Provide the following equipment (specified in subsections (A) through (I), below) at no cost to employees, maintain that equipment properly, and ensure that employees use that equipment properly:
 - (A) Testing and monitoring equipment needed to comply with subsection (d)(5);
 - (B) Ventilating equipment needed to obtain acceptable entry conditions;
 - (C) Communications equipment necessary for compliance with subsections (h)(3) and (i)(5);
 - (D) Personal protective equipment insofar as feasible engineering and work practice controls do not adequately protect employees;
 - (E) Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;
 - (F) Barriers and shields as required by subsection (d)(3)(D);
 - (G) Equipment, such as ladders, needed for safe ingress and egress by authorized entrants;
 - (H) Rescue and emergency equipment needed to comply with subsection (d)(9), except to the extent that the equipment is provided by rescue services; and
 - (I) Any other equipment necessary for safe entry into and rescue from permit spaces.

On and prior to November 15, 2011, the employer failed to provide and ensure the proper use of testing and monitoring equipment needed to evaluate the permit space conditions; appropriate equipment needed for safe ingress and egress, such as ladders; and rescue and emergency equipment needed to safely rescue entrants from the confined space.

Date By Which Violation Must be Abated: 05/27/2012
Proposed Penalty: \$ 9000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 5 Item 1 Type of Violation: **Serious**

5157. Confined Space Entry

(d) Permit-required confined space program (permit space program). Under the permit required confined space program required by subsection (c)(4), the employer shall:

(5) Evaluate permit space conditions as follows when entry operations are conducted:

(A) Test conditions in the permit space to determine if acceptable entry conditions exist before entry is authorized to begin, except that, if isolation of the space is infeasible because the space is large or is part of a continuous system (such as a sewer), pre-entry testing shall be performed to the extent feasible before entry is authorized and, if entry is authorized, entry conditions shall be continuously monitored in the areas where authorized entrants are working;

(B) Test or monitor the permit space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations, and

(C) When testing for atmospheric hazards, test first for oxygen, then for combustible gases and vapors, and then for toxic gases and vapors.

On and prior to November 15, 2011, the employer failed to evaluate the permit space conditions by testing the permit space to determine if acceptable entry conditions exist before entry is initiated, and testing or monitoring the space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 9000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 6 Item 1 Type of Violation: **Serious**

5157. Confined Space Entry

(e) Permit system.

- (1) Before entry is authorized, the employer shall document the completion of measures required by subsection (d)(3) by preparing an entry permit.
- (2) Before entry begins, the entry supervisor identified on the permit shall sign the entry permit to authorize entry.

On and prior to November 15, 2011, the employer failed to document the completion of required entry procedures required by preparing an entry permit and having it signed by the entry supervisor prior to allowing entry of employees into a permit required confined space.

Date By Which Violation Must be Abated:	05/28/2012
Proposed Penalty:	\$ 11250.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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Citation 7 Item 1 Type of Violation: **Serious**

5157. Confined Space Entry.

(g) Training.

(1) The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section.

On and prior to November 15, 2011, the employer failed to provide training on Confined space entry to all employees involved in confined space activities.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 13500.00

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Citation 8 Item 1 Type of Violation: **Serious**

5157. Confined Space Entry.

(k) Rescue and emergency services. The employer shall ensure that at least one standby person at the site is trained and immediately available to perform rescue and emergency services.

On and prior to November 15, 2011, the employer failed to ensure that at least one standby person was immediately available to perform rescue and emergency services while employees entered a permit required confined space in which a regulated carcinogen had been in use.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 11250.00

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CSHO ID: Q1303
Optional Inspection Nbr: 044-12



Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 9 Item 1 Type of Violation: **Serious**

CCR T8 5202. Methylene chloride.

(d) Exposure monitoring.

(1) Characterization of employee exposure.

(A) Where MC is present in the workplace, the employer shall determine each employee's exposure by either:

- 1. Taking a personal breathing zone air sample of each employee's exposure; or
- 2. Taking personal breathing zone air samples that are representative of each employee's exposure.

(B) Representative samples. The employer may consider personal breathing zone air samples to be representative of employee exposures when they are taken as follows:

1. 8-hour TWA PEL. The employer has taken one or more personal breathing zone air samples for at least one employee in each job classification in a work area during every work shift, and the employee sampled is expected to have the highest MC exposure.

2. Short-term exposure limits. The employer has taken one or more personal breathing zone air samples which indicate the highest likely 15-minute exposures during such operations for at least one employee in each job classification in the work area during every work shift, and the employee sampled is expected to have the highest MC exposure.

3. Exception. Personal breathing zone air samples taken during one work shift may be used to represent employee exposures on other work shifts where the employer can document that the tasks performed and conditions in the workplace are similar across shifts.

(C) Accuracy of monitoring. The employer shall ensure that the methods used to perform exposure monitoring produce results that are accurate to a confidence level of 95 percent, and are:

(C) Accuracy of monitoring. The employer shall ensure that the methods used to perform exposure monitoring produce results that are accurate to a confidence level of 95 percent, and are:

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315526707
Inspection Dates: 11/15/2011 - 05/08/2012
Issuance Date: 05/10/2012
CSHO ID: Q1303
Optional Inspection Nbr: 044-12



Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

-
1. Within plus or minus 25 percent for airborne concentrations of MC above the 8-hour TWA PEL or the STEL; or
 2. Within plus or minus 35 percent for airborne concentrations of MC at or above the action level but at or below the 8-hour TWA PEL.

On and prior to 11/15/2011, Employer failed to determine the extent of employee exposure to Methylene Chloride, listed by MSDS content as 60-100% in the JASCO Premium Paint and Epoxy Remover. Employer had provided the product to its employees for use in Let Down Tank cleaning procedures for over 2 years. Employer listed the product as a hazardous substance on its hazardous chemical inventory list. On 11/15/11 one employee was hospitalized and a second employee was fatally asphyxiated by exposure to methylene chloride while working in a permit required confined space.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 25000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315526707
Inspection Dates: 11/15/2011 - 05/08/2012
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Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 10 Item 1 Type of Violation: **Serious**

5202. Methylene Chloride

(e) Regulated areas.

(1) The employer shall establish a regulated area whenever an employee's exposure to airborne concentrations of MC exceeds or can reasonably be expected to exceed either the 8-hour TWA PEL or the STEL.

On and prior to November 15, 2011, the employer failed to establish a regulated area whenever an employee was assigned to clean the inside of a permit required confined space utilizing a Methylene Chloride containing product.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315526707
Inspection Dates: 11/15/2011-05/08/2012
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CSHO ID: Q1303
Optional Inspection Nbr: 044-12



Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 11 Item 1 Type of Violation: **Serious**

5202. Methylene Chloride.

(f) Methods of compliance.

(1) Engineering and work practice controls. The employer shall institute and maintain the effectiveness of engineering controls and work practices to reduce employee exposure to or below the PELs except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the 8-TWA PEL or STEL, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection that complies with the requirements of subsection (g).

On and prior to November 15, 2011, the employer failed to institute engineering controls or work practices to reduce employee exposure to Methylene Chloride while employees use Methylene Chloride to clean the inside of permit required confined spaces.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 2000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315526707
Inspection Dates: 11/15/2011 - 05/08/2012
Issuance Date: 05/10/2012
CSHO ID: Q1303
Optional Inspection Nbr: 044-12



Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 12 Item 1 Type of Violation: **Serious**

5202. Methylene Chloride

(g) Respiratory protection.

(3) Respirator selection.

(A) The employer must select, and provide to employees, appropriate atmosphere-supplying respirators specified in Section 5144(d)(3)(A)1.; however employers must not select or use half masks of any type because MC may cause eye irritation or damage.

On and prior to 11/15/11 employer failed to provide full-face atmosphere-supplying respirators to employees who entered a confined space where Methylene Chloride was being used. One employee was fatally injured and a second sustained critical, life threatening injury as a result.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 25000.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315526707
Inspection Dates: 11/15/2011 - 05/08/2012
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Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Citation 13 Item 1 Type of Violation: **Serious**

5202. Methylene Chloride

- (1) Employee information and training.
- (3) In addition to the information required under ' 5194:

(A) The employer shall inform each affected employee of the requirements of this section and information available in its appendices, as well as how to access or obtain a copy of it in the workplace;

(B) Wherever an employee's exposure to airborne concentrations of MC exceeds or can reasonably be expected to exceed the action level, the employer shall inform each affected employee of the quantity, location, manner of use, release, and storage of MC and the specific operations in the workplace that could result in exposure to MC, particularly noting where exposures may be above the 8-hour TWA PEL or STEL;

On and prior to 11/15/11 employer failed to provide employees working with a regulated carcinogen, methylene chloride, the specific training and information regarding use of methylene chloride within a confined space.

Date By Which Violation Must be Abated: 05/28/2012
Proposed Penalty: \$ 11250.00



See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California

Division of Occupational Safety and Health
Cal/OSHA Santa Ana District (0950631; 4031)
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705

Inspection Number: 315526707
Inspection Dates: 11/15/2011 - 05/08/2012
Issuance Date: 05/10/2012
CSHO ID: Q1303
Optional Inspection Nbr: 044-12



Citation and Notification of Penalty

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831

Compliance Officer/District Manager

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

State of California
Division of Occupational Safety and Health
Cal/OSHA Santa Ana District
2000 East McFadden Avenue, Suite 122
Santa Ana, CA 92705
Phone: (714) 558-4451 Fax: (714) 558-2035

NOTICE OF PROPOSED PENALTIES

Company Name: VISTA PAINT CORPORATION
Inspection Site: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831
Mailing Address: 2020 E ORANGETHORPE AVE, FULLERTON, CA 92831
Issuance Date: 05/10/2012
Reporting ID: 0950631
Index Code: 4031

Summary of Penalties for Inspection Number 315526707

Citation 1, General	= \$	3540.00
Citation 2, Serious	= \$	11250.00
Citation 3, Serious	= \$	25000.00
Citation 4, Serious	= \$	9000.00
Citation 5, Serious	= \$	9000.00
Citation 6, Serious	= \$	11250.00
Citation 7, Serious	= \$	13500.00
Citation 8, Serious	= \$	11250.00
Citation 9, Serious	= \$	25000.00
Citation 10, Serious	= \$	2000.00
Citation 11, Serious	= \$	2000.00
Citation 12, Serious	= \$	25000.00
Citation 13, Serious	= \$	11250.00
TOTAL PROPOSED PENALTIES	= \$	159040.00

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make you payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to www.dir.ca.gov/dosh to access the secure payment processing site.

DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA
CASHIER, ACCOUNTING OFFICE
P. O. BOX 420603
SAN FRANCISCO, CA 94142-0603
(415) 703-4291 or (415) 703-4295 or Fax (415) 703-3037

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH - CAL/OSHA

Cashier, Accounting Office

P.O. Box 420603

San Francisco, CA 94142-0603

Phone (415) 703-4291 or (415) 703-4295 Fax (415) 703-3037

PENALTY REMITTANCE FORM

CIVIL PENALTY INFORMATION INSPECTION NUMBER 315526707 REPORTING ID 0950631 INDEX CODE 4031

ESTABLISHMENT NAME VISTA PAINT CORPORATION

CONTACT PERSON _____

PHONE NO. _____

FAX NO. _____

SITE ADDRESS

2020 E ORANGETHORPE AVE, FULLERTON

MAILING ADDRESS

2020 E ORANGETHORPE AVE, FULLERTON, CA, 92831

CITATION INFORMATION (Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed.)

Payment is for the following Citation Items: (i.g. Citation 1, Items 1-5; Citation 3)

TYPE OF PAYMENT ENCLOSED

CHECK OR MONEY ORDER INFORMATION

CHECK ENCLOSED IN THE AMOUNT OF

\$ _____

MONEY ORDER ENCLOSED IN THE AMOUNT OF

\$ _____

(Please make check or money order payable to CAL/OSHA and mail to the Cashier, Accounting Office, at the above address. Reference the Inspection Number on the "memo" portion of your check or money order.)

Go to www.dir.ca.gov/dosh to access the on-line third party secure payment processing site or complete this section and fax to (415) 703-3037

CREDIT CARD INFORMATION: CONVENIENCE FEE APPLIES

CREDIT CARD NO. _____

EXPIRATION DATE _____

CREDIT TYPE _____

SECURITY CODE (last 3 digits on back of card) _____

(4 digits on front of Amex card)

NAME OF CARDHOLDER _____

SIGNATURE _____

EMAIL ADDRESS _____

CARDHOLDER PHONE NO. _____

FAX NO. _____

AMOUNT OF PAYMENT \$ _____

----- FOR OFFICE USE ONLY -----

AUTHORIZATION NO. _____

DATE PROCESSED _____

PROCESSED BY _____

Please call (415) 703-4291 or (415) 703-4295 or complete the information above and fax to (415) 703-3037
ELECTRONIC FUNDS TRANSFER EFT OPTION-NO CONVENIENCE FEE APPLIES: GO TO www.dir.ca.gov/dosh

Cal/OSHA-2 PRF 6/10